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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,405	09/16/2003	Steven J. Davis	020334	2930

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QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

BUGG, GEORGE A

ART UNIT PAPER NUMBER

2636

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,405

Applicant(s)

DAVIS ET AL.

Examiner

George A. Bugg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09022005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 9, 13, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. First off, with regard to the paraphrased added limitation "direct transmission of the hazard alert from the vehicle to emergency personnel responding to the hazard event", nowhere does Applicant's specification disclose this feature. Paragraph 22 merely states that remote communication is possible, and lists a menagerie of physical locations, but never the emergency personnel responding to the scene of the hazard event. Furthermore, as seen in Figure 1, even if Applicant had disclosed the above features, the transmission of information goes from the vehicle through the satellite, and then to the remote location. This does not constitute direct transmission.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 7, 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,580,367 B2 to Roach in view of US Patent No. 6,472,771 B1 to Frese et al.

1. As for claims 1, 9, 13, and 17, Roach teaches (column 7, lines 10-35) that a dispatch system immediately transmits information to a remote command center via GPS upon detection of an emergency situation. This information includes how to handle an emergency situation involving this specific vehicle, and its load. The dispatch device, shown as element 28 in Figure 2, is contained in the vehicle transporting the hazardous substance. Once a hazard event is detected, fire, smoke, overturned hauler, by the sensor 60, shown in Figure 5 as part of the dispatch system 28, a hazardous material alert is automatically transmitted, including information as to the nature of the substance being carried. ***With regard to the added limitations of claims 1, 9, 13, and 17, while the Roach reference may not specifically teach these limitations, and Applicant's specification may lack proper support, the Frese reference teaches, that his system can be used for fleet management purposes, in Table 1,***

and also that vehicle to vehicle communication is possible, in columns 2-3, lines 56-9. This reference is being combined with the teachings of Roach to show that vehicle to vehicle transmission of information is well known in the art and therefore would have been obvious to one of ordinary skill to incorporate such a teaching into Applicant's invention, for the purpose of communicating information directly to its intended target rather than having it relayed through an intermediate party.

2. With regard to claims 2, 10, and 15 as shown above, and further stated in column 8, lines 17-20 of Roach, the sensor 60 can determine an impact, fire, smoke, if the transport vehicle has turned over on its side.

3. As for claims 3, 11, and 14 in column 7, lines 40-43, as well as column 8, lines 20-27, Roach discloses a manual switch 40, which may be activated by the vehicle operator to transmit data from the dispatch system 28.

4. As for claims 4, 12, and 16 it has been shown, and can further be seen in Figure 2, of Roach, that a hazard event is detected at the command control center 24, in response to information transmitted from the vehicle, which is in a remote location with respect to the control center.

5. With regard to claims 5 and 8, while it has been shown above that the system of Roach discloses at least the use of AM, FM and police band transmitters, the reference does not specifically teach the range recited in claim 5, or adjusting the transmission power per claim 8. However, Applicant has pointed out in his Specification (section 26) that it is not only desirable for the system to transmit over a short range, but up to

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hundreds of miles. It is the contention of the Examiner that a transmission range of a few feet, up to several hundred miles is an obvious embodiment of the system, and furthermore can be carried out by the GPS of the Roach system. Therefore, it would have been obvious to one of ordinary skill in the art to employ various strength transmitters for the purpose of creating a system with greater transmission versatility.

6. With regard to claim 6, the Roach reference states (column 4, lines 45-50) that the command control center can notify and dispatch rescue crews, medical personnel, police and fire personnel, and notify the public via radio, television, and internet. Therefore, at the very least AM, FM, and police band transmitters are inherently disclosed.

7. As for claim 7, as previously stated, once a hazard event is detected, by sensor 60, the dispatch system 28, which is part of the vehicle 22, and constitutes a vehicle system, automatically transmits data about the event, and substance being hauled to the command control center 24.

8. As for claims 18-20, with regard to claim 6 above, one or more of the entities listed therein would receive notification from the command control center (remote location) in response to the hazard alert. Notification of the hazard to the proper authorities would in fact be a reply transmission in response to the hazard alert. Furthermore, the reply transmission would be received via AM, FM, police band, RF, etc... which all employ transmitters and receivers.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 6-7, and 9-17 have been considered but are moot in view of the new ground(s) of rejection.

6. Regarding Applicant's arguments pertaining to claims 5 and 8, the Examiner has not relied on Applicant's specification for motivation to modify the system of Roach. The Examiner merely referred to this passage to show that it is desirable to have a communication system with long and short-range capabilities. What the Examiner relied on for teaching such limitations was the GPS of the Roach system, which is unequivocally capable of both short-range and long-range transmission.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

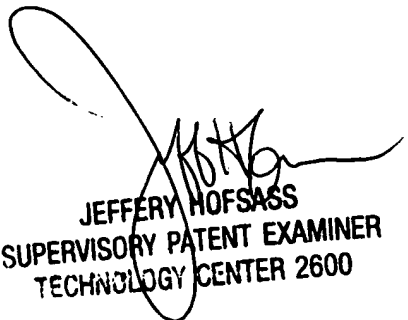
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A Bugg whose telephone number is (571) 272-2998. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg
Examiner
Art Unit 2636

November 12, 2005


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600